

REMARKS

This amendment is in response to the Official Action dated April 19, 2010 and the Advisory Action dated August 4, 2010. Claims 31, 32, 35, 37, 39, 40, 47, 53, 62-64, 73, 74 and 79-81 have been withdrawn and Claims 1, 2, 10, 17 and 21 have been rejected over the prior art. Claim 1 has been amended to include features of Claim 2, which has also been amended. Withdrawn Claim 62 has been amended to include features of withdrawn Claim 64, which has also been amended. Favorable reconsideration of this application in view of the following remarks is respectfully requested.

Rejection under 35 U.S.C. §102

The Official Action rejected Claims 1, 2 and 17 under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Application Publication No. 2002/0062834 to Snaidr et al. ("Snaidr").

Specifically, the Official Action alleges that:

Regarding claim 1, Snaidr discloses a smoking article comprising: a tobacco rod (54, fig. 6) having a wrapper (10, fig. 6) formed around the tobacco rod, the wrapper including a patterned (18, fig. 6) deposit on at least a portion of one surface of the wrapper, wherein the pattern [sic] deposit comprises catalyst particles [sic] of catalyzing, oxidizing and/or reducing the conversion of a constituent gas component in the mainstream and/or sidestream smoke of the smoking article (abstract and paragraph 57). (Final Official Action at page 2).

Claim 1 recites a smoking article comprising: a tobacco rod having a wrapper formed around the tobacco rod, the wrapper including a patterned deposit on at least a portion of one surface of the wrapper. The patterned deposit comprises catalyst

particles capable of catalyzing, oxidizing and/or reducing the conversion of a constituent gas component in the mainstream and/or sidestream smoke of the smoking article. The patterned deposit includes a concentration gradient of the catalyst between a first portion having a low concentration feature and a second portion having a high concentration feature.

Snaird discloses a low sidestream smoke cigarette including a combustible treatment paper having a sidestream smoke treatment composition including an oxygen storage and donor metal oxide oxidation catalyst (Abstract). The sidestream smoke treatment composition may be applied to one or both sides of cigarette paper to virtually eliminate sidestream smoke (paragraphs [0065] and [0072]). However, Snaird fails to disclose a patterned deposit or a patterned deposit including a concentration gradient of the catalyst between a first portion having a low concentration feature and a second portion having a high concentration feature.

To anticipate a claim, the applied reference must disclose all features of the claim. In addition, "unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. §102" (Emphasis Added). *Net Money/IN, Inc. v. Verisign, Inc.*, 545 F.3d 1359 (Fed. Cir. 2008).

Claim 1 is not anticipated by Snaird at least because Snaird fails to disclose a patterned deposit let alone a patterned deposit including a concentration gradient of the catalyst between a first portion having a low concentration feature and a second portion having a high concentration feature. Instead, Snaird discloses a smoke

treatment composition may be applied to one or both sides of cigarette paper to virtually eliminate sidestream smoke, but fails to disclose that the composition is deposited in an specific pattern with any concentration gradient. As such, Claim 1 is not anticipated by Snaidr.

Claims 2 and 17, which depend from Snaidr are also not anticipated for at least the reasons Claim 1 is not anticipated.

Rejections under 35 U.S.C. §103

a. The Official Action rejected Claim 10 under 35 U.S.C. §103(a) as allegedly unpatentable over Snaidr in view of U.S. Patent No. 3,636,027 to Smith ("Smith").

Claim 10, which depends from Claim 1, is patentable at least because Snaidr fails to teach or suggest a patterned deposit let alone a patterned deposit including a concentration gradient of the catalyst between a first portion having a low concentration feature and a second portion having a high concentration feature as recited in Claim 1, and Smith fails to remedy the deficiencies of Smith.

b. The Official Action rejected Claim 21 under 35 U.S.C. §103(a) as allegedly unpatentable over Snaidr.

Claim 21, which depends from Claim 1, is patentable at least because Snaidr fails to teach or suggest a patterned deposit let alone a patterned deposit including a concentration gradient of the catalyst between a first portion having a low concentration feature and a second portion having a high concentration feature.

Conclusion

In view of the foregoing, it is submitted that all claims are in condition for allowance. Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she be contacted at the number indicated below.


The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment; to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: August 19, 2010

By:


Nancy K. Britt
Registration No. 57856

Customer No. 21839
703 836 6620